IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Writ Petition No. 4087 of 2005

Jagannath Onkar Bacchav ..Petitioner

vs.

1. State of Maharashtra & Ors. ..Respondents

Shri R.K.Mendadkar for petitioner.
Shri C.R.Sonawane, A.G.P. for respondent nos.1 and 2
Shri G.S.Hegde for respondent nos.3 and 4.

CORAM: A.P.SHAH &
DR.D.Y.CHANDRACHUD JJ.
13th July,2005

P.C.

1. Rule. Respondents waive service. By consent rule is made returnable forthwith.

2. The petitioner was issued the caste certificate by the Competent Authority as belonging to "Mahadev Koli" Scheduled Tribe. On the strength of this caste certificate, the petitioner got employment as a driver with M.S.R.T.C., respondent no.3, on 31st July, 1999 under the reserved category of Scheduled Tribe. The caste certificate of the petitioner was referred to the Caste Scrutiny Committee. The Scrutiny Committee invalidated the petitioner's claim vide order dated 31st December, 2002.

3. The petitioner preferred Writ Petition No.1186 of 2004 in this Court against the decision of the

Caste Scrutiny Committee which came to be allowed and the matter was remitted back to the Scrutiny Committee to consider the case of the petitioner afresh. This Court while remitting the matter to the Scrutiny Committee observed that since the services of the petitioner have already been terminated consequential action will be taken only on the basis of the final order which will be passed by the Committee. Such decision will be taken within a period of two weeks thereafter.

4. After the remand the Scrutiny Committee considered the matter afresh and vide order dated 17th May, 2005 validated the caste claim of the petitioner and issued to him the caste validity certificate.

5. Learned Counsel Shri Hegade appearing for M.S.R.T.C. fairly stated that in view of the order of the Scrutiny Committee the petitioner will be reinstated as a driver with effect from 1st August, 2005 with continuity of service but without back wages.

6. In view of the above statement of Shri Hegade, petition is allowed to be withdrawn.